

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

NOVA FINANCIAL HOLDINGS INC.,
and NOVA BANK,

Plaintiffs,

v.

BANCINSURE, INC.,

Defendant.

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CIVIL ACTION

No. 11-07840

ORDER

AND NOW, this 17th day of April, 2012, upon consideration of the “Motion to Dismiss Plaintiffs’ Complaint Pursuant to Rule 12(b)(6)” filed by Defendant, Bancinsure, Inc. (Doc. No. 10), against Plaintiffs, Nova Financial Holdings Inc. and Nova Bank, Plaintiffs’ Response and Defendant’s Reply, it is hereby **ORDERED** that the Motion is **GRANTED** in part and **DENIED** in part. The Motion is **GRANTED** as to Counts III and IV, and is **DENIED** as to Counts V and VI.

Defendant must file an answer to the remaining counts within 15 days of the date of this Order.

BY THE COURT:

/s/ Robert F. Kelly
ROBERT F. KELLY
SENIOR JUDGE